

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 7 – 8, 10, 18, and 20–31 remain pending for examination.

The following remarks address the claims in the order which they were addressed in the Office Action.

Rejections Under 35 U.S.C. §102(b)

Claims 7 – 8, 10, 18, 20–24, and 28–31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dolev (U.S. Patent No. 5,029,159, hereafter “Dolev”). The Applicant respectfully traverses this rejection, and requests that this rejection be reconsidered and withdrawn.

More particularly, the Applicant submits that the rejection does not fulfill all of the requirements of MPEP §2131, which states, in part:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,”
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,
631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The rejection of claim 7 asserts Dolev discloses a distributed system including a plurality of redundant components in the abstract, Figure 1, and at column 1 lines 12–64. The Applicant respectfully disagrees with the assertion, presented in the rejection, that a token ring network is a distributed system including a plurality of redundant components as disclosed in the specification.

More particularly, a redundant component is known in the art as a first component which functions identically to second similar component and can assume functioning of the first component should the first component cease to function. On the

other hand, the cited sections of Dolev do not describe the nodes on the token ring network as being redundant in any manner. That is, a token ring network maintains no contingency for redundant nodes to replace nodes which have failed. More particularly, should a node fail in a token ring network, the token ring loop is broken and the token ring network will cease to function. For example, see the ring structure of the token ring network at Figure 1 of Dolev which illustrates the connections between each node as serial in nature.

The rejection further asserts a method for performance by a first redundant component is disclosed in the summary of the invention of Dolev. As previously discussed, the summary of the invention of Dolev does not discuss the redundancy of any node in the token ring network. More particularly, the summary of the invention of Dolev is silent on the subject of redundancy because the serial structure of a token ring network precludes the inclusion of redundant nodes to substitute themselves for failed nodes. That is, in order for a node on a token ring to be redundant and useful in replacing another node on the token ring network it would be required to be placed in parallel with the node it was replacing, and this is not compatible with the serial structure of a token ring network.

More particularly, the method disclosed in the Summary of the Invention of Dolev would not be performable if any one of the nodes of the token ring network had failed as the ring would be broken and the succession of signals would not be received at the first terminal. Therefore, the cited method of Dolev is not compatible with and will not function correctly in a first redundant component.

The rejection also asserts that transmitting information particular to the first redundant component to all other components in the plurality of redundant components and the information relating to one or more criteria according to which a currently-active leader component is to be determined is disclosed in Dolev at column 3 lines 9-18. The

applicant respectfully disagrees. As previously discussed, Dolev does not disclose a first redundant component.

Further, even if Dolev were to disclose a first redundant component, Dolev does not disclose information relating to one or more criteria according to which a currently-active leader component is to be determined. Dolev instead discloses that "each of these signals in the succession has a terminal identification characteristic which identifies a respective one of the terminals" (see Dolev, col. 3, lines 16–18). That is, Dolev does not disclose the transmitting of one or more criteria, or the transmitting of any criteria at all. Dolev discloses the transmitting of a characteristic which identifies the terminal for the purpose of identifying the terminal. As disclosed in the specification, the one or more criteria may be any criteria (see Specification, page 22, line 19, "other criteria can also be used") and may or may not identify the component as identifying the component is not the purpose of transmitting information particular to a component.

The rejection concludes by asserting, "determining whether the first redundant component is the currently-active leader component by comparing the information particular to the first redundant component with the information received from each of the redundant components, wherein, if the first redundant component determines that it is not the currently-active leader component, the first component knows one of the other components in the plurality of redundant components is the currently-active leader component" is disclosed at figure 3, column 2 lines 42–61, column 3 lines 22–44, and column 6 line 47 to column 7 line 20 of Dolev. The Applicant respectfully disagrees that this is disclosed at the cited section of Dolev.

Dolev does not disclose that the first redundant component determines that it is the currently-active leader component and also does not disclose a currently-active leader component. The specification defines the active component as the component which responds to requests (see Specification, Weak Leader Election Approach, first paragraph). Dolev discloses that the leader is simply the node on a token ring network

which is responsible for producing the token that is passed from node to node in the token ring network. Any node on the network may respond to requests, and each node in the token ring is in fact required to respond to requests regarding the transmission of tokens. Therefore, there is no active leader, as defined in the specification, present in the token ring network disclosed in Dolev.

Independent Claim 20 was rejected 35 U.S.C. §102(b) for the same reasons set forth for rejecting claims 7–8, 10, and 18. Claim 7 has been patentably distinguished from Dolev for at least the reasons set forth above regarding the rejection of Claim 7. Therefore, the arguments presented above regarding Claim 7 may be applied to the present rejection of Claim 20.

Therefore, the Applicant respectfully requests that this rejection be reconsidered and withdrawn with regard to Claims 7 and 20, as well as their respectively dependent Claims 8, 10, 18, 20–24 and 28–31.

Rejections Under 35 U.S.C. §103(a)

Claims 25–27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dolev in view of Badovinatz et al. (U.S. Patent No. 5,699,501, hereafter “Badovinatz”).

Claims 25–27 depend from independent Claim 20 and are allowable, at least, for the same reasons set forth above regarding the rejection under 35 U.S.C. §102(b). Therefore, the Applicant requests that the rejection be reconsidered and withdrawn.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

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